

SECRET

6 April 1982

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence

VIA: Deputy Director for Intelligence
Director of Global Issues

25XFROM: [REDACTED]
Chief, Geography Division, OGI

SUBJECT: Senior Interdepartmental Group (SIG) Meeting on the
Law of the Sea (LOS) (U)

1. Action Requested: None. This memorandum summarizes for your information the results of the SIG meeting chaired by James L. Buckley, Under Secretary of State for Security Assistance, Science and Technology, on 5 April at the Department of State. (U)

2. Background: The meeting was convened to review the status of the Eleventh Session of the UN Law of the Sea Conference at its midpoint, and to discuss the Chairman of the Delegation's assessment of the prospects for attaining the President's negotiating objectives as stated in National Security Decision Directive No. 20, United States Law of the Sea Policy, 25X29 January 1982. [REDACTED]

3. Results of the SIG Meeting: Ambassador James L. Malone, Special Representative of the President to the LOS Conference, and Leigh Ratiner, chief negotiator on deep seabed matters, spoke of the critical negotiating impasse that has evolved between the US and the G-77 Developing Country caucus. The US' proposed "book of amendments" to the existing draft treaty on the deep seabeds has served the purpose of acquainting the Conference with our requirements, but is not saleable as the sole basis for further negotiations. What has evolved from a Group of 11 middle-sized industrial nations are compromise proposals which, while they do not meet all US objectives, do represent a reasonable point for restarting the deep seabed negotiations. The G-77 leadership appears ready to accept these proposals and is awaiting some sign of flexibility in the US position and a real probability of US signature of the Convention in 1982. Should we not move towards a more negotiable stance at this time the G-77 is likely to push toward a final treaty without us. Such an eventuality, according to Malone, would likely include our lukewarm allies, and thereby leave us in a difficult legal position in regard to deep seabed mining by US companies. [REDACTED]

[REDACTED]

SECRET

SUBJECT: Senior Interdepartmental Group (SIG) Meeting on the Law of the Sea (LOS) (U)

Malone and Ratiner reviewed the number of points in the US position that are gained in the G-11 proposals, and the specific points that must still be achieved if we are to have a treaty package which meets the President's negotiating objectives. The most troublesome remaining issues are:

- (a) production limitations on seabed mining,
- (b) the International Seabed Authority's (ISA) Council decision-making process, and
- (c) the potential monopolistic position of the ISA's mining arm--the Enterprise.

It is felt that these treaty texts can be corrected or at least improved by continuing to negotiate. ☐

The Treasury Department and State's Economic Bureau questioned the production limitation problem and the adverse impact it would have on a budding US industry. Ambassador Malone indicated that this is indeed a tough issue, but that it might be possible to raise the production ceiling a modest amount. In any case, he stressed that the "bite" of such a limitation would probably not be felt because other economic factors in the minerals market would keep seabed production below the production ceiling. ☐

25X1

Representatives from several departments and the White House's Office of Policy Development criticized the wording of the draft treaty text which appears to imply benefit sharing of deep seabed revenues for national liberation movements like the PLO. Ratiner stressed that legally the present text affords protection from this because the US is guaranteed a seat on the Council and can veto such proposals. Nevertheless, he agreed the wording is distasteful and should be fixed. ☐

Secretary Buckley summarized the SIG's general feeling that our delegation had made good progress in a difficult negotiating situation. A more flexible stance following the G-11 proposals is called for since there appears to be a chance of attaining the President's six general objectives. Buckley cautioned that particularly distasteful wording such as that on national liberation movements, whether or not the wording impacts on the treaty, should be removed. ☐

25X

SUBJECT: Senior Interdepartmental Group (SIG) Meeting on the Law of the Sea
(LOS) (U)

25X1

Distribution:

Orig. - Addressee

- 1 - DDCI
- 1 - Executive Director
- 1 - C/IAS/OPP
- 1 - Executive Registry
- 1 - DDO
- 1 - CH/NIC
- 1 - NIO-at Large
- 1 - DDI
- 1 - ADDI
- 1 - DDI Registry
- 1 - D/OGI
- 1 - DD/OGI/S
- 1 - DD/OGI/E
- 1 - C/OGI/RD
- 1 - C/OGI/RD/MR
- 1 - C/OGI/GD